

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

SANDRA PEEBLES

PLAINTIFF

v.

Civil No. 06-4014

JO ANNE B. BARNHART,
Commissioner, Social
Security Administration

DEFENDANT

MEMORANDUM AND ORDER

Pending now on this 6th day of July, 2006, is the Defendant's Motion to Remand filed by the Commissioner of the Social Security Administration (hereinafter "Commissioner"), on June 22, 2006 (Doc. #10). Plaintiff filed her Response on the same date, offering no objection to the requested relief (Doc. #11).

In the instant motion, the defendant asserts that remand of this matter is necessary to enable her to conduct further administrative proceedings (Doc. #10, p. 1). Specifically, the motion asserts:

The Commissioner seeks remand so that the [ALJ] will fully develop the record, including the opportunity for Plaintiff to submit any additional evidence concerning her mental impairments, in order to sufficiently complete the administrative record for the relevant period. The ALJ will also conduct a proper evaluation of Plaintiff's mental impairments in accordance with the special technique described in *20 C.F.R. §§ 404.1520a* and *416.920a*. As necessary, the ALJ may obtain evidence from a medical expert in the field of mental health. The ALJ's further consideration Plaintiff's mental impairment shall also include correct application of the medical improvement standard

(Doc. #10, p. 1).

Further, the defendant submits that the Court remand this matter pursuant to sentence four of *42 U.S.C. § 405(g)* (Doc. #10, p. 1).

Sentence four provides:

The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the [Commissioner], with or without remanding the cause for a rehearing.

42 U.S.C. § 405(g).

Accordingly, we conclude that the defendant's motion requesting reversal of the decision and remand of this matter for the above stated reasons, is well taken. The Commissioner's decision is reversed and this matter is hereby remanded, pursuant to sentence four, *42 U.S.C. § 405(g)*, for further proceedings, as specifically set forth above and in the Commissioner's motion (Doc. #10).

In addition, the undersigned finds that the plaintiff's Complaint should be and hereby is dismissed without prejudice to the subsequent filing for attorney's fees, pursuant to the Equal Access to Justice Act, *28 U.S.C. § 2412*. A separate Judgment shall be entered herein pursuant to *F.R. Civ.P. 58* and *52*.

IT IS SO ORDERED.

/s/ Bobby E. Shepherd
HONORABLE BOBBY E. SHEPHERD
UNITED STATES MAGISTRATE JUDGE